

**Bayer HealthCare  
Pharmaceuticals**RECEIVED  
CENTRAL FAX CENTER

JUN 21 2007



To **Commissioner for Patents**  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Fax (571) 273-8300 Pages 3 (including cover sheet)

Date June 21, 2007

From Susan M. Pellegrino

Fax (203) 812-6459 Tel. (203) 812-6450

Re U.S. Patent Application Serial No.: 10/005,646

Bayer Pharmaceuticals  
Corporation

400 Morgan Lane  
West Haven, CT 06516

Phone: (203) 812-6450  
Fax: (203) 812-6459  
E-mail:  
susan.pellegrino.b@bayer.com

**For U.S. Patent Application Serial No. 10/005,646**

- 1) Response to Petition mailed on April 26, 2007
- 2) Certificate of Transmission under 37 CFR 1.8
- 3) Fax Cover Sheet

If you have any problems with the attached facsimile call (203) 812-6450.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT THE PRIVILEGED OR CONFIDENTIAL NATURE OF THIS MESSAGE IS NOT WAIVED BY INADVERTENT DISCLOSURE. ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

PTO/SB/87 (05-03)

Approved for use through 04/30/2003. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

RECEIVED  
CENTRAL FAX CENTER  
JUN 21 2007**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on June 21, 2007  
Date

Susan M. Pellegrino

Signature

Susan M. Pellegrino, Reg. No. 48,972

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

For U.S. Patent Application Serial No. 10/005,646

- 1) Reply to Petition mailed on April 26, 2007
- 2) Certificate of Transmission under 37 CFR 1.8
- 3) Fax Cover Sheet

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No. BERLX 87/51835

RECEIVED  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE CENTRAL FAX CENTER

JUN 21 2007

In re Patent Application of Peter W. Bringman, et al.,

Serial No.: 10/005,646

Group Art Unit: 1647

Filed: December 7, 2001

Examiner: Christine J. Saoud

For: Novel Fibroblast Growth Factors

## CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-8300.

Date: June 21, 2007

  
Susan M. Pellegrino

## RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In lieu of filing an appeal brief, Applicants have elected to file a Continuing Application. If there are any additional fees due in connection with the filing of the present response, please charge the fees to undersigned's Deposit Account No. 03-4000. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

  
Susan M. PellegrinoAttorney for Applicants  
Reg. No. 48,972

Date: June 21, 2007

Bayer HealthCare LLC  
800 Dwight Way  
Berkeley, CA 94710  
Telephone: (510) 705-7725  
Facsimile: (510) 705-7904